

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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JASON A. MAHE,

Case No. 3:22-cv-00536-MMD-CLB

Plaintiff,

ORDER

v.

DAVID RIVAS, *et al.*,

Defendants.

Pro se Plaintiff Jason Mahe brings this civil rights action under 42 U.S.C. § 1983. (ECF No. 6.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla L. Baldwin, recommending that the Court dismiss this action for Mahe’s failure to comply with Local Rule IA 3-1 and the Court’s previous order (ECF No. 75) directing him to update his address. (ECF No. 78.) Objections to the R&R were due June 18, 2024. (*See id.*) To date, no objections have been filed.¹ For this reason, and as explained below, the Court adopts the R&R in full and dismisses this action without prejudice.

Because there is no objection, the Court need not conduct *de novo* review and is satisfied Judge Baldwin did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). Judge Baldwin recommends dismissing this action because Mahe has failed to comply with LR IA 3-1. (ECF No. 78 at 1.) See LR IA 3-1 (providing that failure to “immediately file with the Court written

¹The Court’s order directing Plaintiff to update his address was returned as undeliverable. (ECF No. 77.) However, as discussed in this order, it is Mahe’s responsibility to file notification of any change of mailing address. See LR IA 3-1.


1 notification of any change of address . . . may result in dismissal of the action”);
2 *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988) (describing circumstances under
3 which courts may dismiss an action for failure to follow local rules). The docket in this
4 case reflects that Mahe’s current address is the Lorain Correctional Institution in Ohio.
5 However, the Court received notices in two other cases filed by Mahe indicating that he
6 is no longer incarcerated at the Lorain Correctional Institution. See *Mahe v. Dunbar*, No.
7 3:21-cv-00355-MMD-CLB (D. Nev. filed Aug. 12, 2021) (ECF No. 69); *Mahe v. Frazier*,
8 No. 3:23-cv-00096-MMD-CLB (D. Nev. filed Mar. 3, 2023) (ECF No. 21). The Court found
9 that Mahe’s listed address in those cases is incorrect, see Fed. R. Evid. 201(b)(1), and
10 issued an order in this action requiring Mahe to update his address by June 3, 2024. (ECF
11 No. 75.) The Court warned Mahe that failure to update his address would result in a
12 recommendation for dismissal. (*Id.*) To date, Mahe has not filed a notice of change of
13 address with the Court. Accordingly, having reviewed the R&R and the record in this case,
14 the Court agrees with Judge Baldwin that dismissal is appropriate and will adopt the R&R
15 in full.

16 It is therefore ordered that Judge Baldwin’s Report and Recommendation (ECF
17 No. 78) is accepted and adopted in full.

18 It is further ordered that this action is dismissed without prejudice.

19 The Clerk of Court is directed to enter judgment accordingly and close this case.

20 DATED THIS 28th Day of June 2024.

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23 MIRANDA M. DU
24 CHIEF UNITED STATES DISTRICT JUDGE
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